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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 VINCENT L. FIELDS,

11 Petitioner,

12 v.

13 UNITED STATES OF AMERICA,

14 Respondent.

CASE NO. C18-1572JLR

(CR17-0119JLR)

ORDER DENYING
PETITIONER'S MOTION TO
RECUSE AND REFERRING THE
MOTION TO THE CHIEF JUDGE

15 **I. INTRODUCTION**

16 Before the court is *pro se* Petitioner Vincent L. Fields's motion to recuse and
17 disqualify the undersigned judge. (MTR (Dkt. # 17).) The court has considered the
18 motion and DENIES it for the reasons set forth below. The court further DIRECTS the
19 Clerk to refer the motion to Chief Judge Ricardo S. Martinez for further review.

20 **II. BACKGROUND & ANALYSIS**

21 On October 25, 2018, pursuant to 28 U.S.C. § 2255, Mr. Fields filed a petition for
22 habeas corpus or motion to vacate, set aside, or correct the sentence established in his

1 criminal case in the Western District of Washington. (*See* Petition (Dkt. # 1)); *see also*
2 *United States v. Vincent L. Fields*, No. CR17-0119JLR (W.D. Wash.). On February 25,
3 2019, the court granted Mr. Fields’s motion to stay his petition for habeas because the
4 Federal Defenders in San Diego advised Mr. Fields that he was potentially eligible for a
5 sentence reduction for his 1987 conviction pursuant to the terms of the First Step Act.
6 (3/25/19 Order (Dkt. # 11).) On August 12, 2019, the court lifted the stay because the
7 Federal Defenders in Dan Diego subsequently informed Mr. Fields that he was not
8 eligible for such a sentence reduction, and accordingly, they would not be filing a motion
9 for a sentence reduction on his behalf. (8/12/19 Order (Dkt. # 14).) On September 19,
10 2019, the court denied Mr. Fields’s petition for habeas corpus or motion to vacate, set
11 aside, or correct his sentence. (9/19/19 Order (Dkt. # 15).) In that order, the court also
12 denied Mr. Fields a certificate of appealability. (*Id.* at 4.)

13 On October 21, 2019, Mr. Fields filed two motions: (1) a motion for
14 reconsideration of the court’s order denying his habeas corpus petition and a certificate of
15 appealability (*see* MFR (Dkt. # 16)); and (2) a motion to recuse and disqualify the
16 undersigned (*see* MTR). At present, the court considers only the latter motion to recuse.

17 Under the Local Civil Rules for the Western District of Washington, “[w]henver
18 a motion to recuse directed at a judge of this court is filed pursuant to 28 U.S.C. § 144 or
19 28 U.S.C. § 455, the challenged judge will review the motion papers and decide whether
20 to recuse voluntarily.” Local Rules W.D. Wash. LCR 3(f). “If the challenged judge
21 decides not to voluntarily recuse, he or she will direct the clerk to refer the motion to the
22 chief judge, or the chief judge’s designee.” *Id.* “The substantive standard for recusal

1 under 28 U.S.C. § 144 and 28 U.S.C. § 455 is the same: Whether a reasonable person
2 with knowledge of all the facts would conclude that the judge’s impartiality might
3 reasonably be questioned.” *United States v. McTiernan*, 695 F.3d 882, 891 (9th Cir.
4 2012) (internal quotation marks and alterations omitted).

5 Mr. Fields argues that because the undersigned denied Mr. Fields a certificate of
6 appealability, “it would be oxymoronic to ask [J]udge Robart to reconsider his decision.”
7 (MFR at 4.) However, the fact that Mr. Fields disagrees with the undersigned’s decision
8 or moves for reconsideration of that decision is not a basis for seeking recusal. Indeed,
9 district court judges are often asked to reconsider prior decisions. *See* Local Rules W.D.
10 Wash. LCR 7(h) (setting forth the standards and procedures for motions for
11 reconsideration). Thus, the court concludes that Mr. Fields has failed to state a basis for
12 recusal of the undersigned. Specifically, Mr. Fields does not establish that the
13 undersigned judge is presiding over a case in which (1) his “impartiality might
14 reasonably be questioned,” *McTiernan*, 695 F.3d at 891; *see also* 28 U.S.C. § 455(a); (2)
15 he “has a personal bias or prejudice concerning a party, or personal knowledge of
16 disputed evidentiary facts concerning the proceeding,” *id.* § 455(b)(1); *see also id.* § 144;
17 (3) he has served as a lawyer in this controversy while in private practice, *id.* § 455(b)(2);
18 or (4) he has a financial interest, *id.* § 455(b)(3)-(4). In addition, the court cannot
19 independently conceive of a basis for recusal. For these reasons, the court denies Mr.
20 Fields’s recusal motion and directs the Clerk to refer this order and Mr. Fields’s motion
21 to Chief Judge Martinez.

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Dated this 23rd day of October, 2019.

JAMES L. ROBERT
United States District Judge